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PATENT TRADEMARK OFFICE

PATENT
Attorney Docket No.: MCS-011-98
MSFT No.: 113952.01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Application of: KILGORE et al.

Serial No.: 09/148,615

Group Art Unit: 2171

Filed: September 4, 1998

Examiner: Te Y. Chen

For: **SYSTEM AND METHOD FOR TRANSMITTING
AND DYNAMICALLY ADJUSTING DATA VALUES
ASSOCIATED WITH A REMOTE USER INPUT**

APPEAL BRIEF

REAL PARTY IN INTEREST

Microsoft Corporation owns the subject application in its entirety.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences.

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STATUS OF THE CLAIMS

On January 9, 2004, Appellants appealed from a final rejection of claims 2-23. The final rejection was contained in a final Office Action dated October 9, 2003.

The application was original filed with claims 1-6. A preliminary amendment was filed on November 22, 1999, amending claim 2 and adding new claims 7-23. In response to the Office Action dated July 5, 2001 (Paper No. 8), the Appellants canceled claim 1 and amended claims 2 and 7 to overcome a Section 103(a) rejection.

In response to the final Office Action dated December 4, 2001, the Appellants filed a Request for Continued Application (RCE) on March 4, 2002. In an amendment filed with the RCE, the Appellants amended claim 2 to overcome a Section 103(a) rejection.

In response to an Office Action dated May 24, 2002, the Appellants filed a response on August 24, 2002 that did not change the claims.

In response to a final Office Action dated November 12, 2002, the Appellants filed an RCE on March 12, 2003. In an amendment filed with the RCE, the Appellants amended claims 7 and 19 to overcome a Section 103(a) rejection.

In response to an Office Action dated May 7, 2003, the Appellants amended claims 2, 7 and 19 to overcome a Section 102(e) rejection as being anticipated by Redford et al..

In response to a final Office Action dated October 9, 2003, the Appellants filed an After Final response on December 9, 2003, setting forth the elements and features that are missing from Redford et al. that are claimed by the Appellants. No changes were made to the claims. In addition, an Applicant-Initiated Interview Request form was submitted requesting a telephonic interview with Examiner Chen regarding the Section 102(e) rejection. The form requested a date of December 17, 2003, for the interview.

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On December 18, 2003, the Appellants' attorney, Craig S. Fischer, telephoned and spoke with Examiner Chen to schedule a new interview date. Examiner Chen refused to grant an interview.

An Advisory Action dated December 24, 2003, was received. In response to the Advisory Action, a Notice of Appeal was filed on January 9, 2004.

STATUS OF AMENDMENTS

There were no amendments filed subsequent to the final rejection dated October 9, 2003.

SUMMARY OF THE INVENTION

The Appellants' claimed invention includes a system and method for dynamically adjusting data values in response to remote user input (specification, page 2, lines 17-19). The remote user is provided with real time interaction of data values, such as a set of results, produced by a host system (specification, page 2, lines 19-21). The remote user first requests information from a remote computer and then results of the requested information are collected at the host computer (specification, page 3, lines 4-6). Next, the request results are transmitted from the host to the remote computer (specification, page 3, lines 6-8). The remote user can remotely process the results on the client computer in response to user interaction with the results. The process results are dynamically adjusted and displayed as the user interacts with the results (specification, page 3, lines 9-10).

The user interacts with the results using graphical user interface control devices to adjust the results (specification, page 3, lines 11-12). These control devices include slider filter controls and alphanumerical boxes (specification, page 3, lines 12-13). The slider controls move with a reference datum and can be either single or dual slider filter controls (specification, page 16, lines 6-12). The dual slider filter controls have multiple boundaries that constrain the results within a defined range (specification, page 16, lines 17-19; FIGS. 6 and 7). In addition, the configurable alphanumerical input boxes can be

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digitally coupled to the slider filters so that both the slider filters and the input boxes dynamically change as the user configures the other interface (specification, page 17, lines 1-3; FIG. 7).

The claims on appeal are set forth in the Appeal Brief Appendix provided hereto.

ISSUES

Claims 2-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Redford et al. (U.S. Patent No. 5,957,695).

GROUPING OF CLAIMS

Claims 2-6 stand or fall together.

Claims 7-18 stand or fall together.

Claims 19-23 stand or fall together.

THE EXAMINER'S RATIONALE

The Examiner's rationale for the rejection of claims 2-6 was that Redford et al. disclose each and every element of the Appellants' claimed invention. Moreover, in response to the Appellants' previous arguments presented regarding claim 2, the Examiner responded that "the examiner disagrees with the Applicants' assertion that Redford et al. (U.S. Patent #5,957,695) fail to disclose the 'claimed feature of at least one adjustable interface option including a single slider control that is slidably movable along a reference datum'. The '695 patent specifically disclosed a slider control [e.g. the little gray box of the slider of the drop down list box (930A), Fig. 9] which is clearly slidable [for example, via dragging the box upward/downward] along a reference datum [e.g. the cover.txt, page1.txt, page2.txt, etc.]."

The Examiner's rationale for the rejection of claims 7-18 was that Redford et al. disclose each and every element of the Appellants' claimed invention. Moreover, in

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response to the Appellants' previous arguments presented regarding claim 7, the Examiner responded that "the examiner disagrees with the Applicants' assertion that the '695 patent fails to disclose the 'claimed feature of using dual slider controls displayed on the client display monitor having multiple boundaries for adjusting associated data values with a range'. In response to this argument, the examiner points out that the '695 patent clearly discloses at least one dual slider controls [for example, the scrolling-up and scrolling-down triangles of the slider of the drop down list box (930A), Fig. 9C] which apparently can be clicked by the client to adjust the associated data values having multiple boundaries [e.g. the cover.txt, page1.txt, page2.txt, etc., Fig. 9C] within a range [e.g. the page5.txt range, Fig. 9C]."

The Examiner's rationale for the rejection of claims 19-23 was that Redford et al. disclose each and every element of the Appellants' claimed invention. Moreover, in response to the Appellants' previous arguments presented regarding claim 19, the Examiner responded that "the examiner further disagrees with the Applicants' assertion that the '695 patent fails to disclose the 'claimed feature of adjusting pricing data using a slider filter that is dynamically coupled to an input box so that both the slider filter and the input box dynamically change as a user configures the slider filter, the input box, or both'. As discussed above, the '695 patent specifically discloses an input box [e.g., 931A, Fig. 9C] which is dynamically coupled to the slider [e.g. 930A1, Fig. 9C], when the client uses the slider control to adjust the contents of the drop down list [i.e., 930A, Fig. 9C], and select one of the listed items [e.g., page5.txt] by double clicking the data item [e.g., page5.txt], the contents of the editable input box [i.e., 931A, Fig. 13] will be updated [e.g., see col. 45, lines 45-51]."

Further, in a telephonic conversation between the Appellants' attorney, Craig S. Fischer and Examiner Chen on December 18, 2003, Examiner Chen stated that the claims in the application are too broad and that they read on almost all types of slider controls. Examiner Chen stated that these slider controls are well-known in the art.

ARGUMENTS

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The Rejection under 35 U.S.C. § 102(e) of Claims 2-6

It is the Appellants' position that Redford et al. lack at least one feature of the Appellants' claimed invention of claims 2-6. Namely, for independent claim 2, Redford et al. do not disclose, either explicitly or implicitly, the material claimed feature of at least one adjustable interface option including a single slider control that is slidably movable along a reference datum.

Independent claim 2 of the Appellants' claimed invention includes a display device having at least one adjustable interface option including a single slider control that is slidably moveable along a reference datum and is displayed on the client display device for adjusting associated data of the at least one associated field in real time using the remote client to process the adjustment.

Slider controls are shown in the Appellants' specification in FIG. 6 (reference number 620) and FIG. 7 (reference number 720). These sliders controls are slidably movable along a reference datum and allow a user to "drag the lever of the slider filter control in either direction to narrow certain criteria of the results for each sorted field or category" (specification, page 16, lines 12-15; emphasis added).

In contrast, Redford et al., merely disclose input boxes, drop-down list boxes, and authoring buttons (FIGS. 9C-E; col. 45, lines 4-12; col. 48, lines 35-40). However, the Appellants' claimed single slider control that is slidably movable along a reference datum is not disclosed by Redford et al..

In response to the Appellants' arguments presented regarding claim 2, the Examiner responded that Redford et al. disclose a slider control in FIG. 9C in the form of the little gray box of the slider of the drop down list box (930A). The Examiner stated that the gray box is clearly slidable by dragging the box upward or downward along the reference datum, such as, for example, the files or data items entitled "cover.txt", "page1.txt", "page2.txt".

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However, the Appellants point out that there are differences between the slider control claimed by the Appellants and drop-down menus or boxes (such as those disclosed by Redford et al. and shown in the Appellants' specification). Specifically, as shown in FIG. 7 of the Appellants' specification, the drop-down menus 740 are similar to the input boxes 730 except that the drop-down menus 740 contain a downward-pointing triangle. When a user clicks on this triangle, the list of other entries is displayed in a drop-down vertical arrangement. On the other hand, as also shown in FIG. 7 of the Appellants' specification, the slider controls 720 do not contain any type of drop-down list. Clicking on the slider control will not yield a drop-down menu or list. In fact, the action of the slider control is to be dragged in either direction to "narrow certain criteria of the results" (specification, page 16, lines 13-15). Thus, the slider control 720 and the drop-down menu 740 are different.

FIG. 9C of Redford et al. merely describes drop-down menus. In particular, "... 930A are drop down list boxes which contain the lists of graphics files, sound files, and text files, respectively" (col. 45, lines 10-12). As shown in FIG. 9C of Redford et al., when a user clicks on the downwardly-pointing triangle having a line underneath, a drop-down list (shown under the "Text file" heading) appears. This drop-down list allows the user to scroll down and select one of the entries. As the user scrolls down the drop-down list, the entry which the mouse pointer is on is highlighted. This highlighting is shown by the gray box highlighting the entry "page5.txt". "For example, in drop down list box 930A, to select text file 'page5.txt' the author double clicks on entry 930A1" (col. 45, lines 16-20). Thus, Redford et al. merely disclose drop-down menus, such as described and shown by in Appellants' specification. However, nowhere do Redford et al. disclose the Appellants' claimed slider control.

The Appellants, therefore, respectfully traverse this rejection of independent claim 2 because Redford et al. do not disclose, either explicitly or implicitly, the material claimed feature of at least one adjustable interface option including a single slider

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control that is slidably movable along a reference datum. Because of this missing feature, the §102 rejection cannot stand.

Because the Appellants' claimed invention includes features neither taught, disclosed nor suggested by Redford et al., the Appellants respectfully submit that the rejection of independent claim 2 under 35 U.S.C. § 102(e) as being anticipated by Redford et al. has been overcome based on the arguments set forth above. Moreover, rejected claims 3-6 depend from independent claim 2 and therefore also are novel over Redford et al..

The Rejection under 35 U.S.C. § 102(e) of Claims 7-18

It is the Appellants' position that Redford et al. lack at least one feature of the Appellants' claimed invention of claims 7-18. Namely, for independent claim 7, Redford et al. do not disclose, either explicitly or implicitly, the material claimed feature of using dual slider controls displayed on the client display monitor having multiple boundaries for adjusting associated data values within a range.

Independent claim 7 includes a method for dynamically adjusting associated data values on a client computer. The method includes using dual slider controls displayed on the client display monitor to dynamically adjust the associated data values using the remote client to process the adjustment in response to user interaction with the automatically displayed control module. The dual slider controls have multiple boundaries for adjusting the associated data values within a range. The method also includes dynamically displaying the adjusted data values on the client display monitor.

Dual slider controls are shown in the Appellants' specification in FIG. 7 (reference number 720). These dual sliders "have multiple boundaries for constraining the results within a defined range" (specification, page 16, lines 16-18). Moreover, the dual sliders are shown in FIG. 6 of the Appellants' specification (reference number 620).

In contrast, Redford et al., do not disclose the Appellants' claimed feature of using

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dual slider controls displayed on the client display monitor, where the dual slider controls have multiple boundaries for adjusting associated data values within a range. In fact, as discussed above, Redford et al. merely disclose input boxes, drop-down list boxes, and authoring buttons (FIGS. 9C-E; col. 45, lines 4-12; col. 48, lines 35-40). Nowhere do Redford et al. disclose or illustrate the Appellants' claimed dual slider controls.

In response to the Appellants' previous arguments presented regarding claim 7, the Examiner responded that Redford et al. disclose at least one dual slider control, such as the scrolling up and scrolling down triangles of the slider of the drop-down box 930A in FIG. 9C. The Examiner believes that the triangles can "apparently be clicked by the client to adjust the associated data values having multiple boundaries [e.g. the cover.txt, page1.txt, page2.txt, etc., Fig. 9C] within a range [e.g., the page5.txt range, Fig. 9C]."

The Appellants, however, point out the following differences between the Appellants' claimed dual slider controls and the interface options shown disclosed in Redford et al.. First, as argued above, the drop-down menus and scroll bars of Redford et al. are different from the Appellants' claimed slider control. The claimed slider control does not have an associated drop-down list. Second, the dual slider controls are used to adjust and change the upper and lower boundaries of their associated input boxes. More specifically, as shown in FIG. 7 of the Appellants' specification, the "Price Range" input boxes 730 have shown a lower boundary of \$100,000 and an upper boundary of \$685,000. The dual slider controls 720 associated with these "Price Range" input boxes 730 are used to adjust or change these boundaries. For example, a user can slide the left-hand slider to the left to decrease the lower boundary shown in the input box 730, such as from \$100,000 to \$75,000. Similarly, a user can slide the right-hand slider to the right to increase the upper boundary displayed in the input box 730, such as from \$685,000 to \$600,000. Thus, the dual slider controls 720 have multiple boundaries for adjusting boundaries of the data. The scroll bars and drop-down menus of Redford et al. simply lack this feature. In particular, the scroll bars in Redford et al. merely scroll down a list and the gray box on the drop-down menu 930A shown in FIG. 9C of Redford et al. merely highlights a desired entry. As explained above, double clicking this entry places it in the

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drop-down list box.

The Appellants, therefore, respectfully traverse this rejection of independent claim 7 because Redford et al. do not disclose, either explicitly or implicitly, the material claimed feature of using dual slider controls displayed on the client display monitor having multiple boundaries for adjusting associated data values within a range. Because of this missing feature, the §102 rejection cannot stand.

Because the Appellants' claimed invention includes features neither taught, disclosed nor suggested by Redford et al., the Appellants respectfully submit that the rejection of independent claim 7 under 35 U.S.C. § 102(e) as being anticipated by Redford et al. has been overcome based on the arguments set forth above. Moreover, rejected claims 8-18 depend from independent claim 7 and therefore also are novel over Redford et al..

The Rejection under 35 U.S.C. § 102(e) of Claims 19-23

It is the Appellants' position that Redford et al. lack at least one feature of the Appellants' claimed invention of claims 19-23. Namely, for independent claim 19, Redford et al. do not disclose, either explicitly or implicitly, the material claimed feature of adjusting pricing data using a slider filter that is dynamically coupled to an input box so that both the slider filter and the input box dynamically change as a user configures the slider filter, the input box, or both.

Independent claim 19 includes a method for dynamically adjusting pricing data displayed on a client computer. The method includes adjusting pricing data using a slider filter contained in the graphical user interface, the slider filter being dynamically coupled to an input box so that both the slider filter and the input box dynamically change as a user configures either the slider filter, the input box, or both.

FIG. 7 of the Appellants' specification illustrates "input boxes 730 that can be digitally coupled to the slider filters 720 so that both the slider filters 720 and the input

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boxes 730 dynamically change as the user configures the other interface. As a result, the user can interact with either interface option" (specification, page 17, lines 1-4). In other words, using the example given above and shown in FIG. 7, as a user slides the left-hand slider of the dual slider control 720 the lower boundary input box 730 in the "Price range" containing the value "\$100,000" also changes. Similarly, the upper boundary text box 730 in the "Price range" is changed as the user slides the right-hand slider of the dual slider control 720. These changes occur because each slider of the dual slider controls 720 is coupled to a respective one of the input boxes 730.

In contrast, Redford et al., do not disclose the Appellants' claimed feature of adjusting pricing data using a slider filter that is dynamically coupled to an input box so that both the slider filter and the input box dynamically change as a user configures the slider filter, the input box, or both. In fact, as discussed above, Redford et al. merely disclose input boxes, drop-down list boxes, and authoring buttons (FIGS. 9C-E; col. 45, lines 4-12; col. 48, lines 35-40). Nowhere do Redford et al. disclose or illustrate the Appellants' claimed feature of using a slider filter that is dynamically coupled to an input box.

In response to the Appellants' previous arguments presented regarding claim 19, the Examiner responded that Redford et al. disclose an input box (931A of FIG. 9C) that is dynamically coupled to the slider (930A1 of FIG. 9C). The Examiner stated that when the client uses the slider control to adjust the contents of the drop-down list box (930A of FIG. 9C) and selects one of the listed items (such as "page5.txt") by double clicking the item, the contents of the editable input box (931A) are updated.

The Appellants, however, point out the following difference between the Appellants' claimed invention and Redford et al.: when any one of the Appellants' claimed dual slider controls 720 are moved the value in the respective text box 730 changes as the slider moves. In contrast, in Redford et al. the user must double click the data item in order to have the item display in the text box. Moreover, as explained above, Redford et al. lack slider controls.

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The Appellants, therefore, respectfully traverse this rejection of independent claim 19 because Redford et al. do not disclose, either explicitly or implicitly, the material claimed feature of adjusting pricing data using a slider filter that is dynamically coupled to an input box so that both the slider filter and the input box dynamically change as a user configures the slider filter, the input box, or both. Because of this missing feature, the §102 rejection cannot stand.

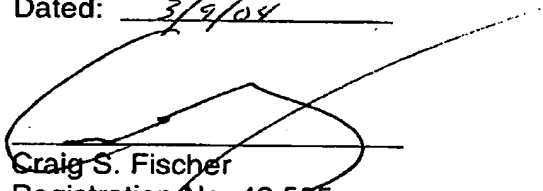
Because the Appellants' claimed invention includes features neither taught, disclosed nor suggested by Redford et al., the Appellants respectfully submit that the rejection of independent claim 19 under 35 U.S.C. § 102(e) as being anticipated by Redford et al. has been overcome based on the arguments set forth above. Moreover, rejected claims 20-23 depend from independent claim 19 and therefore also are novel over Redford et al..

SUMMARY

For the foregoing reasons, the Appellants submit that the Examiner's rejection of claims 2-23 was erroneous. Therefore, the Appellants respectfully request reversal of the Examiner's decision.

Respectfully submitted,

Dated: 3/9/04


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